THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19698 OF 2005

ORDER:

The petitioner is allegedly owner of Flat No.601 admeasuring 650 Sq. feet. The flat is situated in the 5th floor of Hari Priya Heaven, in Plot No.45 of Seethammadhara of Visakhapatnam Municipal Corporation. It is the case of the petitioner that the officials of the respondent-Corporation visited the flat in August, 2005 and threatened the petitioner with demolition on the ground that the construction made by the builder is not in accordance with the sanctioned plan. Apprehending coercive action on the part of the respondents, the petitioner seeks a Writ of Mandamus declaring the action of the respondents in resorting to such action without due process of law as illegal.

After hearing the learned counsel for the petitioner and the learned standing counsel for respondent-Municipal Corporation, though this Court is of the considered view that the Writ Petition is filed on mere apprehension, having regard to interest of justice the Writ Petition is disposed of with an observation that unless the petitioner is served with a notice as per the provisions of the Hyderabad Municipal Corporation Act, 1955, the respondent-Corporation is precluded in law from taking any coercive action.

The Writ Petition with the above observation is disposed of.

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6th September, 2005. V.V.S. RAO, J.

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